

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

LOS REYES FIREWOOD and
PABLO REYES, JR., EIN 90-0998464

Plaintiffs,

v.

No. 15-cv-112 MCA

STATE OF NEW MEXICO, GOVERNER
SUSANA MARTINEZ, BERNALILLO
METROPOLITAN COURT, JUDGE
DANIEL RAMCZYCK, BERNALILLO
COUNTY SHERIFF'S DEPUTY DEREK
TAYLOR AND OTHER JOINDER PARTIES
NOT YET MENTIONED,

Defendants.

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS WITH PREJUDICE**

THIS MATTER is before the Court on Defendants Governor Susan Martinez and Honorable Daniel Ramczyk's Motion to Dismiss in Lieu of Answer (Motion to Dismiss) filed on June 10, 2015. [Doc. 11].¹ Defendant Derek Taylor removed the action from state court. *Notice of Removal*. [Doc. 1] Pursuant to Federal Rule of Civil Procedure 12(b)(6), the Court dismissed Defendant Taylor from the case on June 4, 2015. *Order of Dismissal* [Doc. 9] Defendants move for dismissal on the same grounds as Defendant Taylor. Having reviewed the Motion to Dismiss as well as the underlying "Complaint for Strongly Suspected Attempted Murder Against a Family Member Pablo Reyes; and Tax Fraud Damages As a Result of Pattern RICO Act Enterprise Operating By Executive

¹ This motion is also brought by Board of Regents for the University of New Mexico. The Board is not named in the caption, nor was it served, however, it claims it is implicated in the Plaintiffs complaint.

Judicial Conduct that Defeats Tax” (Complaint) [Doc. 1-2], and being otherwise informed in the premises, the Court GRANTS the Motion to Dismiss as to all parties.

Defendants move to dismiss the Complaint for failure to state a plausible claim. Plaintiffs did not respond to the motion. The complaint against Defendants is the same complaint in which Defendant Taylor was named. “Federal Rule of Civil Procedure 8(a)(2) requires only a short and plain statement of the claim showing that the pleader is entitled to relief in order to give the defendant fair notice of what the claim is and the grounds upon which it rests.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 44, 555 (2007) (internal quotation marks and citation omitted). Federal Rule of Civil Procedure 12(b)(6) provides for dismissal of a cause of action when the plaintiff fails “to state a claim upon which relief can be granted.” Under Rule 12(b)(6), the complaint “need only contain enough allegations of fact ‘to state a claim to relief that is plausible on its face.’” *Christensen v. Park City Mun. Corp.*, 554 F.3d 1271, 1276 (10th Cir. 2009) (quoting *Twombly*, 550 U.S. at 570). Plaintiffs’ complaint does not contain a short plain statement of the claims showing that they are entitled to relief or plead sufficient facts. *See* Complaint [Doc 1-2]. Because Plaintiffs failed to comply with Rule 8(a)(2) the Court will dismiss the Complaint pursuant to Rule 12(b)(6).

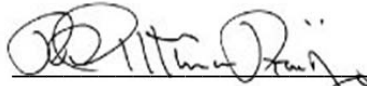
Defendants request the Court’s previous filing restrictions be incorporated herein. The Court reiterates the filing restrictions it imposed in the order dismissing Deputy Taylor. [Doc. 9] Specifically, Plaintiff Reyes may not file any document in a case that was removed to the United States District Court for the District of New Mexico in which Reyes is a Plaintiff, and the Clerk of the Court shall not accept any documents from him

in a removed case unless either (i) an actively and currently licensed attorney who has been admitted to practice before this Court signs the pleading and represents him or (ii) Reyes first obtains permission to proceed *pro se*.

WHEREFORE, IT IS ORDERED that Defendants' Motion to Dismiss is GRANTED, WITH PREJUDICE

Defendants' request for costs and attorneys fees is granted and counsel shall have fourteen days to submit documentation relating to this claim. The request for issuance of an Order declaring the Plaintiffs claims frivolous is denied.

SO ORDERED this 29th day of June, 2015.

A handwritten signature in dark ink, appearing to read "M. Christina Armijo", is written over a horizontal line.

M. CHRISTINA ARMJO
Chief United States District Court Judge